

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

March 9, 2018

LETTER TO COUNSEL

Re: *Bost v. Wexford Health Sources, Inc., et al.*
Civil No.: ELH-15-3278

Dear Counsel:

This will confirm the substance of our lengthy discussions during the status conference held by telephone on March 8, 2018. Among other things, I discussed with counsel your submission of a total of 41 motions in limine. Some of the motions are not yet fully briefed. Yet, the collective page number of the motions, with exhibits, exceeds 8,000. Therefore, I will limit to a total of 15 the number of motions in limine that I will consider, *i.e.*, 5 for plaintiff, 5 for the Medical Defendants, and 5 for the Correctional Defendants. At the appropriate time, I will deny the remaining motions in limine, without prejudice. If necessary, I will consider them at trial.

Also pending are two defense motions for summary judgment. *See* ECF 212; ECF 213. The motions are supported by memoranda and exhibits, each consisting of several hundred pages. Plaintiff's opposition to the motion for summary judgment is supported by 159 exhibits. Replies were filed on December 20, 2017.

The trial, as you know, is presently set to begin April 23, 2018. Given the Court's other obligations, coupled with the amount of time it will take to resolve the summary judgment motions and the motions in limine, I cannot be sure that I will be able to resolve the motions by the current trial date.

Accordingly, I have rescheduled the trial (jury, 3 weeks). It will commence **October 9, 2018**, if the Court's calendar allows it. At the moment, I have other trials, set for the same time period. Therefore, I cannot assure you that I will be able to proceed on October 9. As a backup trial date, counsel have agreed to hold three weeks beginning **December 3, 2018**.

The following dates shall also govern.

1. Within two weeks of the Court's summary judgment rulings, the parties shall submit a written designation of those motions in limine for which they seek the Court's pretrial consideration.

2. The proposed joint pretrial order, proposed joint voir dire; proposed joint jury instructions; and a joint proposed verdict sheet shall be due by the close of business on **July 27, 2018**.

Of course, you may file separately any proposed voir dire questions, jury instructions, and verdict forms upon which you cannot agree. Copies of all submissions should be sent by Microsoft Word format to my judicial assistant, Karen Warren, at karen_warren@mdd.uscourts.gov. Please be sure to include a table of contents and “boilerplate” instructions with the proposed jury instructions, as well as legal citations for any contested proposed jury instructions.

3. The Court will hold a hearing on motions in limine beginning at **10:00 a.m. on August 6, 2018**.
4. The pretrial conference will be held in Chambers on **September 27, 2018, at 4:00 p.m.**

Finally, I mentioned that counsel did not provide the Court with courtesy copies for two motions in limine. Upon further review, several others were not provided. Please submit courtesy copies of the following: ECF 247, 248, 299, 302, 304, 306, 308, 392, and 393.

Despite the informal nature of this letter, it is an Order of the Court and shall be docketed as such.

Sincerely,

/s/

Ellen Lipton Hollander
United States District Judge